



**STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND ADMINISTRATION
DIVISION OF MENTAL RETARDATION SERVICES
15th FLOOR, ANDREW JACKSON BUILDING
500 DEADERICK STREET
NASHVILLE, TENNESSEE 37243-0675**

MEMORANDUM

TO: DMRS Contract Agencies

FROM: Jan Tierney

RE: Background Checks and Fingerprinting Services

DATE: April 25, 2007

This is an update to notify you of changes or additions that have been made in the process for submitting your reimbursement requests.

Please refer to chapter 6 section 3 (see attached) in the new Provider Manual which gives additional DMRS requirements pertaining to job applicants/employees and volunteers. A minimum statewide criminal background check must be performed for each employee; if person has lived in TN for one (1) year or less, a nationwide check is required.

In the future, please use the reimbursement form which is attached. It has our form number MR-0470 in the lower left hand corner. Please do not make changes to this form. If additional space is needed, please make copies.

There has also been a change in the time frame for receiving reimbursement forms. If a request is not received within three (3) months from the date the background or fingerprint check was done, you will not be reimbursed.

The internet address containing names of all licensed private investigation companies in the state of Tennessee is http://www.state.tn.us/commerce/reports/priv_inv/1402/active_disk1_1402.txt

If you have any questions, please feel free to call me at 615-253-6097

Attachments

BACKGROUND & FINGERPRINT REIMBURSEMENT

AGENCY: _____ AGENCY #: _____ REGION _____ MONTH/YR _____

BACKGROUND AND FINGERPRINTING CHECKS

DESCRIPTION	EMPLOYEE INITIALS	PROVIDER AGENCY	RATE CHARGED	TOTAL DUE

Authorized Signature: _____ Total Reimbursement Request \$ _____
 Phone Number _____
 Date: _____

Mail to: Jan Tierney
 DMRS
 Andrew Jackson Bldg. 13th Floor
 Ste. 1379
 500 Deaderick St.
 Nashville, TN 37243

Please note: This reimbursement form
 a. must be received by 5th of the month
 b. must include supportive documentation
 c. will not be reimbursed for amounts over
 \$50.00 per background check
 \$48.00 per fingerprint check
 d. duplicate page if more space needed
 e. new hires only, must have worked at
 least 2 hours
 f. minimum state background search

INSTRUCTION SHEET FOR BACKGROUND & FINGERPRINT REIMBURSEMENT

1. AGENCY NAME – Fill in agency that is requesting the reimbursement
2. AGENCY # - This is the 5 digit number found on turnaround document at upper left corner
3. REGION – Middle, East or West
4. MONTH/YR – This should be the date that the checks were completed (needs to correspond to attached documentation)
5. DESCRIPTION – List the type of check performed – B = background F = Fingerprint
6. EMPLOYEE INITIALS – Include all three initials of the employee that the check was performed on
7. PROVIDER AGENCY - this is the agency that performed the check, i.e. private background agency. (Fingerprint checks will still be done by the TBI but you will have to submit documentation for reimbursement)
8. RATE CHARGED – this is the amount that you were charged per check (cannot exceed \$50 for background or \$48 for fingerprint)
9. TOTAL DUE – this should be the total amount requested for each employee
10. AUTHORIZED SIGNATURE – must be original signature of preparer
11. TOTAL REIMBURSEMENT REQUEST – enter the total for the entire form
12. PHONE NUMBER – contact number
13. DATE – enter date signed

Mail the accompanying reimbursement for and the original invoice for services to:

Jan Tierney
DMRS
Andrew Jackson Bldg. 13th Floor
Ste. 1379
500 Deaderick St.
Nashville, TN 37243

CHAPTER 6

GENERAL PROVIDER REQUIREMENTS

6.1. Introduction

This chapter provides information about requirements that are applicable to providers rendering services within the Division of Mental Retardation Services (DMRS) service delivery system. Provider records and training are covered in individual chapters that follow, as the volume of information to be covered is more extensive than that related to the topics covered in this chapter.

6.2. Licensure Requirements

Chapter 5 indicates that all providers who require licensure must obtain the appropriate license prior to establishing a provider agreement with DMRS. Required licensure for different provider types is listed in *Table 5.5*. It is required that providers maintain licensure for services offered at all times while services are being rendered within the DMRS system. Providers who have allowed licensure to lapse will not be reimbursed for services provided during the lapsed period. Providers will be required to show proof of current licensure during DMRS annual quality assurance surveys and during TennCare Quality Assurance surveys. Proof of licensure may be required during other external reviews or surveys, such as those conducted by the Centers for Medicare and Medicaid Services (CMS), the Tennessee Office of the Comptroller or the Tennessee Department of Health.

6.3. Personnel Requirements


6.3.a. Required Personnel Policies: Personnel policies are required if staff are employed by a provider. Personnel policies are not required of independent providers or when services are provided only by contracted staff in accordance with a DMRS approved subcontract. The following basic personnel policies are otherwise required to be submitted to DMRS before a provider receives initial approval to enter into a provider agreement. Basic personnel policies must be updated, maintained and implemented while a DMRS provider agreement remains in effect. Required personnel policies must address:

- 1) Procedures for hiring staff, including minimum staff qualifications for each staff position;

- 2) Development and communication of job descriptions for each staff position;
- 3) Procedures for initiating and resolving employee complaints;
- 4) Requirements pertaining to utilization of employee-owned vehicles to transport service recipients, if applicable;
- 5) Procedures for initiating/employing progressive employee disciplinary actions, including, but not limited to, those related to Title VI non-compliance, drug-free workplace violations, and substantiation of staff abuse/neglect/exploitation of service recipients;
- 6) Procedures for staff termination, suspension and placement on the Department of Health's Tennessee Abuse Registry;
- 7) Procedures for tuberculosis testing in accordance with current Department of Health policy (see current Policy in *Appendix I*).
- 8) Procedures pertaining to drug-free workplace requirements.

6.3.b. Staff Requirements: The approved waiver documents list general requirements that are applicable to all provider-employed staff, subcontractors and their staff or independent providers. DMRS utilizes the same requirements for providers and staff and subcontractors rendering state-funded services. The general requirements are:

- 1) Staff must be at least eighteen (18) years of age;
- 2) Staff who have direct contact with or direct responsibility for service recipients must be able to effectively read, write and communicate verbally in English and must be able to read and understand instructions, perform record-keeping and write reports;
- 3) Staff responsible for transporting a service recipient must have a valid driver's license and automobile liability insurance of the appropriate type;
- 4) Staff who have direct contact with or direct responsibility for service recipients shall pass a criminal background check performed in accordance with Title 33; and
- 5) Staff who have direct contact with or direct responsibility for service recipients must not be listed on the Tennessee Abuse Registry, the Tennessee Sexual Offender Registry, or the Tennessee Felony Offender List.

6.3.c. Title 33 Requirements for Background Checks: In accordance with Title 33 (T.C.A. 33-2-1202), each provider must have a process for ensuring that statewide criminal background checks are performed for each employee, volunteer or subcontractor  employee having direct contact with or direct responsibility for service recipients. The employee/job applicant or volunteer must be told that a criminal background check will be conducted. Prior to assignment or change of responsibilities involving direct contact with or direct responsibility for service recipients, certain information must be obtained from the employee/job applicant or volunteer and required information must be submitted

to the entity conducting the criminal background check. Information to be obtained from the employee includes:

- 1) A work history inclusive of a continuous description of activities during the past five (5) years;
- 2) At least three (3) personal references, with one of the references having known the employee for at least five (5) years;
- 3) A release of investigative records to the provider for the purpose of verifying the accuracy of criminal violation information stated on the employment application; and
- 4) Either fingerprint samples for a criminal history background check conducted by the Tennessee Bureau of Investigation (TBI) or Federal Bureau of Investigation (FBI) or information for a criminal background investigation conducted by a Tennessee-licensed private investigation company.

The TBI is now offering The Tennessee Applicant Processing Services System through Sylvan/Identix Fingerprint Systems. Interested providers should contact the TBI for additional information about this option. A current list of licensed private investigation companies in Tennessee can be accessed via the internet. Please see *Appendix F* for the current website address.

6.3.d. Additional DMRS Requirements Pertaining to Background Checks: In addition to Title 33 requirements for criminal background checks, DMRS requires the following pertaining to job applicants/employees and volunteers:

- * 1) For any employee that has lived in Tennessee for one (1) year or less, a nationwide background check is required; and
- 2) Employees must be directly supervised and not left alone with service recipients until such time as background check results are available to the provider.

6.3.e. Reimbursement for Criminal Background Checks: Reimbursement for criminal background checks will be made as follows:

- 1) The provider requesting that a background check be conducted will pay the TBI, the FBI or the Tennessee licensed private investigation company. The TBI and FBI will be paid in accordance with the amounts established by T.C.A. § 38-6-103.
- 2) DMRS will provide reimbursement of criminal background checks only when:
 - The provider has a current, signed *DMRS Provider Agreement* and is licensed by the Department of Mental Health and Developmental Disabilities;

- Background checks are done for employees whose responsibilities include direct contact with or direct responsibility for DMRS service recipients;
- Background checks are completed by the TBI, FBI or a Tennessee licensed private investigation company;
- The employee is hired by the provider to provide services funded by DMRS; and
- Funding is available for DMRS to provide payment up to the published maximums.

6.3.f. Title 33 Requirements for Employee Reference Checks: Work and personal references must be checked prior to employment of a job applicant. Requirements for reference checks are as follows:

- 1) At a minimum, the provider must directly communicate with the most recent employer and any employer who employed the job applicant for more than six (6) months within the past five (5) years; and
- 2) At a minimum, the provider must directly communicate with at least two (2) of the personal references provided by the job applicant.

6.3.g. Requirements Pertaining to the Continued Employment of Provider Staff: Requirements include:

- 1) The provider must employ a process for periodically evaluating the performance of staff; and
- 2) The provider must implement a written policy that ensures that employees do not continue to provide direct services or have direct responsibility for service recipients when the employee is convicted of criminal activity during employment (e.g., fraud, misappropriation of funds, breach of fiduciary duty) or if an employee is placed on the Department of Health's Tennessee Abuse Registry;

6.4. Provider Conflict Resolution Procedures

Title 33 (TCA 33-2-602) requires that all providers licensed by the Department of Mental Health and Developmental Disabilities (DMHDD) develop and implement clear, written conflict resolution procedures. DMRS requires that conflict resolution procedures be developed for all providers who execute a DMRS provider agreement. Conflict resolution procedures are intended to address disputes that service recipients, families or legal representatives may have with the provider. Conflict resolution policies and procedures must be communicated to service recipients, family members, legal representatives, advocates, support coordinators/case managers and others who may initiate conflict resolution on behalf of the service recipient. Providers may not cease to provide services